

**TESTIMONY
of the
Intertribal Monitoring Association on Indian Trust Funds
before the
SENATE COMMITTEE ON INDIAN AFFAIRS**

**"NOMINATION OF THOMAS SLONAKER
AS SPECIAL TRUSTEE FOR AMERICAN INDIANS"**

March 22, 2000

Mr. Chairman and members of the Committee. Thank you for the opportunity to testify on the nomination of Thomas N. Slonaker to serve as the Special Trustee for American Indians, a presidentially appointed position created by the 1994 Indian Trust Fund Management Reform Act. My name is Charles Tillman, Jr. I am the Principal Chief of the Osage Tribe of Oklahoma. I am here today in my capacity as Vice-Chairman of the Intertribal Monitoring Association on Indian Trust Funds (ITMA). ITMA is an intertribal organization composed of 40 tribes that have been advocating over the past ten years for reform of the Indian trust management systems and for compensation to tribes for the monies they have lost over the past 150 years as a result of the United States' failure to properly manage the Indian trust funds and assets.

As members of this Committee know, ITMA played a major role in the development of the Trust Fund Reform Act and the establishment of the Office of Special Trustee. Tribes and ITMA consider the position of Special Trustee to be one of the most critical in the effort to reform the management of Indian trust funds and assets, and therefore have a very strong interest in the person filling that position. The Special Trustee is one of the most unique positions in the Federal Government because that official has a very specific group to whom he has an obligation, not just as a public servant, but also as a trustee with the highest fiduciary duty.

He will not be managing just his federal budget, but also billions of dollars that belong to us -- the Indian tribes and people of this country. If there were ever a situation in which a nominee should meet with those he is to serve, this is the case. Mr. Mark Fox of the Three Affiliated Tribes and I had an opportunity for a short, impromptu meeting with Mr. Slonaker last week, and we understand that Ivan Makil, chairman of Salt River Pima Maricopa, was included in an earlier meeting with him. Other than that, Mr. Chairman, I don't think Indian Country knows a thing in the world about this man. Never having met Mr. Slonaker, tribes have no way of knowing if he will bring to the job the attributes and attitudes that are critical if that position is going to accomplish the objectives that were set out for the Special Trustee in the Trust Fund Reform Act.

Consequently, there really isn't very much we can say about this nomination today. Mr. Slonaker was kind enough to express his regret that he had not been able to meet with more of his clients, and to express a willingness to meet with our Board of Directors in the very near future. With that in mind, we respectfully request of the Committee today that you agree to keep the record open on this nomination for a period of at least two weeks to permit Mr. Slonaker to meet with representatives of his account holders, and for them to report back to the Committee on their impressions and recommendations based on those meetings. This is not a very satisfactory way of dealing with a nomination like this, but we think it is important that consultation with tribes not be sacrificed just because the issue is important. That would be another way of saying that consultation is only important if the issue is not important. We hope the Committee will not encourage the Executive Branch in that method of dealing with us.

Based on our short conversation with him last week, we do not think it will happen, but it's just possible that tribes or their representatives will make observations or recommendations that would cause us all to re-think this nomination. And, of course, it's always possible that he may decide he doesn't want the job after he talks to us.

In any event, we hope before the Committee takes action on this nomination, you will satisfy yourselves thoroughly that Mr. Slonaker understands what is expected of him with respect to candor with this Committee and with his account holders. As much as we get tired of having to say it, we have to advise you that we feel that he has already been given some bad advice by his advisors or handlers in the Department. Otherwise, we think he would have made an effort to know something about his clients before getting this far into the situation. By the same token, we got the distinct impression from him last week that he has a fundamentally different understanding of the nature of his fiduciary duties in this position than the government will permit him to hold for very long. We actually tend to agree with him 100% in what he had to say to us last week, but we would like to know something about how he will react when he learns how the Justice Department feels about the nature of his duties.

We would like to know, and we think you would like to know, would he just clam up and feed us the party line? Will he stand up and tell us that he has been instructed to change his tune about the nature and extent of his duties? Will he advise this Committee about changes in the law he thinks are necessary? Will he be forthcoming about shortcomings in the programs he will be taking over? Is he really going to be in charge of this program at all? The way we read the revised High Level Implementation Plan, it looks like he is just going to be a member of a Committee overseeing the reform effort, and not even the chairman of the committee. Is he going to get "out-voted" on trust issues by his own committee? These are some of the things we would have liked to explore with him before this hearing. And we hope you will explore these matters, as well as give us an opportunity to explore them, before you act on this nomination.

There is no doubt, however, that there is an urgent need to fill this position with an individual who meets the requirements spelled out in the 1994 Act, and we are very grateful to the Committee for taking up this matter as expeditiously as you have. We just hope you will help us to ensure that the individual who takes this job will be given the authority he needs to do the job.

I'll be happy to answer any questions the Committee may have. Thank you again for the opportunity to appear here today on this vitally important matter.